

AUTHORIZATION FOR TITLE III OF THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT FOR FISCAL YEARS 1980 AND 1981

MAY 15 (legislative day, APRIL 9), 1979.—Ordered to be printed

Mr. CANNON, from the Committee on Commerce, Science, and Transportation

submitted the following

REPORT

[To accompany S: 1140]

The Committee on Commerce, Science, and Transportation, having considered an original bill (S. 1140) to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended to authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes, reports favorably thereon and recommends that the bill do pass.

PURPOSE AND SUMMARY

It is the purpose of the bill to extend the authorization for appropriations for title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, for fiscal years 1980 and 1981. In addition, the bill amends the act to add the term "scientific" to the list of criteria for which a marine sanctuary can be established.

BACKGROUND

Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 created the marine sanctuaries program in the National Oceanic and Atmospheric Administration (NOAA). The program provides for the designation of marine sanctuaries to preserve or restore specific areas of ocean, coastal, and Great Lakes waters. These areas are chosen on the basis of their conservation, recreational, ecological, or esthetic values.

Although the act was approved in 1972 and authorized up to a \$10 million appropriation for fiscal year 1973, no money was made available under title III for the marine sanctuaries program until fiscal year 1976. For that year and the 2 years following, very small sums were provided, and only then through reprogramming efforts.

In 1977 for the first time since the inception of the program in 1972, the administration focused on title III and established it as a priority. President Carter, in his environmental message on May 23 of that year, recognized the value and function of the program. The President requested that the Secretary of Commerce identify possible sites for marine sanctuaries and begin collecting the data necessary for their proper evaluation and designation.

For fiscal year 1979 the administration made the first direct appropriation request in the program's 7-year history, and the Congress supported the request for \$500,000.

In keeping with the lack of funding, until recently, the marine sanctuaries program necessarily experienced little activity in its early history. By 1975 only two marine sanctuaries had been designated: The site off North Carolina coast where the historically valuable Civil War iron-clad, the *Monitor*, rests; and Key Largo, an extensive coral reef structure in the Florida Keys adjacent to the State's underwater John Pennekamp State Park.

The reprogramed funds along with the President's attention spurred the program, and by February 1, 1978, 169 nominations had been received from other Federal agencies, the States, and members of the public. The National Oceanic and Atmospheric Administration has taken a preliminary look at the nominated sites and has reduced to approximately 100 the number of areas which should receive further consideration. Of these, no more than 25 to 30 will probably receive designation at a rate projected by the agency of approximately 4 to 5 sites in any given year due to budgetary and personnel constraints.

NOAA has spent a considerable amount of time and energy over the last year reviewing its original regulations for the program in conjunction with the goals of the marine sanctuaries program and several concerns expressed by this committee and the House Merchant Marine and Fisheries Committee. As a result, new regulations have been proposed which are much more comprehensive in scope. The committee believes the purpose and function of a marine sanctuary have been much more clearly delineated by this effort, particularly as the program relates to other Federal programs and private activities which may be compatible with sanctuary designation, as for example, commercial fishing.

COMMITTEE ACTION

In reporting out an original bill for title III of the Marine Protection, Research, and Sanctuaries Act on May 1, 1979, the committee recommended authorizing \$3 million for fiscal year 1980, in agreement with the administration request. In addition, the committee recommended extending the authorization through fiscal year 1981 at a level of \$4 million. This is \$500,000 below the sum the committee projected for the report to the Budget Committee, but will provide necessary sums for the increased level of activity in designating marine sanctuaries.

The committee also reported a substantive amendment to title III, adding the term "scientific" to the list of values for which a marine sanctuary may be designated. The committee believes that scientific understanding of our coastal and ocean waters has lagged behind similar terrestrial efforts to the degree that when management and use decisions must be made, they are often based on inadequate or incomplete data, thereby yielding poor decisions. Where resources of unusual or significant scientific value are found, an opportunity should be available to learn more about the phenomena present. Only with a better understanding of the interplay of the dynamic systems present in our marine waters does the committee believe better policy decisions can result and yield proper utilization and conservation of the resources which the oceans hold for the Nation. The committee feels that the marine sanctuary program, in keeping with the objectives already stated in the act, can play a useful role in this effort and finds the addition of scientific values complementary and compatible with the purposes for marine sanctuary designation.

ESTIMATED COSTS

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 and section 403 of the Congressional Budget Act of 1974, the committee provides the following cost estimate, prepared by the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., May 4, 1979.

HON. HOWARD W. CANNON,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act, the Congressional Budget Office has prepared the attached cost estimate for a bill to amend title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes.

Should the committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: Not yet assigned.
2. Bill title: A bill to amend title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes.
3. Bill status: As ordered reported by the Senate Committee on Commerce, Science and Transportation, May 1, 1979.
4. Bill purpose: The bill authorizes appropriations for 1980 and 1981 for the establishment and maintenance of marine sanctuaries.

5. Cost estimate:

Authorization level:	Millions
Fiscal year 1980.....	3.0
Fiscal year 1981.....	4.0
Fiscal year 1982.....	-----
Fiscal year 1983.....	-----
Fiscal year 1984.....	-----
Estimated outlays:	
Fiscal year 1980.....	2.4
Fiscal year 1981.....	3.8
Fiscal year 1982.....	0.8
Fiscal year 1983.....	-----
Fiscal year 1984.....	-----

The costs of this bill fall within budget function 300.

6. Basis of estimate: It is assumed that authorized amounts will be appropriated, and that most of the funds available will be obligated in the year of appropriation. Most of the obligations will be for overhead and expenses that will be paid out in the first year. Outlays for a few studies that will be contracted out to the public may carry over into the second year. Therefore, it is estimated that the funds will be spent at a rate of 80 percent in the first year and the remainder in the second.

7. Estimate comparison: None.

8. Previous CBO estimate: On March 30, 1979, an estimate was prepared for H.R. 2519, a related bill ordered reported by the House Committee on Science and Technology. That bill authorized appropriations for fiscal years 1979 and 1980 for all three titles of the Marine Protection, Research, and Sanctuaries Act of 1972. The amount authorized for 1980 for title III was the same as this bill, \$3.0 million. There were no 1981 authorizations in the bill.

On April 13, 1979, CBO prepared a cost estimate for the version of H.R. 2519 ordered reported by the House Committee on Merchant Marine and Fisheries. That bill also authorized \$3.0 million for title III for 1980 but contained no authorization for 1981.

9. Estimate prepared by: Susan Cirillo.

10. Estimate approved by:

C. G. NUCKOLS
(For James L. Blum, Assistant
Director for Budget Analysis).

REGULATORY IMPACT STATEMENT

In accordance with paragraph 5 of rule XXIX of the Standing Rules of the Senate, the committee provides the following evaluation of the regulatory impact of the legislation, as reported.

The bill would authorize appropriations to carry out the functions of title III of the Marine Protection, Research, and Sanctuaries Act for fiscal years 1980 and 1981. These provisions provide for the designation of marine sanctuaries to preserve or restore areas of ocean, coastal, and Great Lakes waters for the purposes of conservation, recreational, ecological or esthetic values. The committee believes that passage of the bill will neither increase nor reduce the amount of Federal regulation.

SECTION-BY-SECTION ANALYSIS

Section 1

Section 1 of the bill amends section 304 of the Marine Protection, Research and Sanctuaries Act of 1972 to authorize the appropriation of up to \$3 million to carry out the purposes of title III of such act for fiscal year 1980 and up to \$4 million for fiscal year 1981.

Section 2

Section 2 of the bill amends section 302(a) of the Marine Protection, Research and Sanctuaries Act of 1972 to add the term "scientific" to the list of criteria contained in title III for which a marine sanctuary may be designated.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT
OF 1972

SEC. 304. There are authorized to be appropriated not to exceed \$10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed \$6,200,000 for fiscal year 1976, not to exceed \$1,550,000 for the transition period (July 1 through September 30, 1976), not to exceed \$500,000 for fiscal year 1977, [and] not to exceed \$500,000 for fiscal year 1978, *not to exceed \$3,000,000 for fiscal year 1980, and not to exceed \$4,000,000 for fiscal year 1981.*

SEC. 302. (a) The Secretary, after consultation with the Secretaries of State, Defense, the Interior, and Transportation, the Administrator, and the heads of other interested Federal agencies, and with the approval of the President, may designate as marine sanctuaries those areas of ocean waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention of the Continental Shelf (15 U.S.T. 74; TIAS 5578), of other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, *scientific*, or esthetic values. The consultation shall include an opportunity to review and comment on a specific proposed designation.

